

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6571**

**BILL NUMBER:** HB 1256

**NOTE PREPARED:** Jan 9, 2013

**BILL AMENDED:**

**SUBJECT:** Cellular Telephones in Penal Facilities.

**FIRST AUTHOR:** Rep. Dermody

**BILL STATUS:** As Introduced

**FIRST SPONSOR:**

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** This bill has the following provisions:

- A. *Minimum Fine* – It requires a court to impose a fine of at least \$5,000 on a person who is convicted of committing trafficking with an inmate involving a cellular telephone or other wireless or cellular communications device as a Class C felony.
- B. *Added Misdemeanor* – It makes it a Class A misdemeanor for a person to knowingly or intentionally possess a cellular telephone or other wireless or cellular communications device while incarcerated in any penal facility.

**Effective Date:** July 1, 2013.

**Explanation of State Expenditures:** *Added Misdemeanor* – This provision would affect persons who are incarcerated in Department of Correction (DOC) facilities who have cell phones. Under current law, persons who are incarcerated in county jails commit a Class A misdemeanor if they possess a cell phone or other wireless form of communication. As proposed, offenders incarcerated in DOC facilities would also commit a Class A misdemeanor if they possess a cell phone or other form of wireless communication. Under current regulations, confined offenders lose privileges and demerits when they are caught with cell phones. This would likely increase the length of stay for offenders in DOC facilities.

The average expenditure to house an adult offender was \$18,582 in FY 2012. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$3,234 annually, or \$8.86 daily, per prisoner.

**Explanation of State Revenues:** *Minimum Fine* – Under current law, there is no minimum fine for a Class C felony if the person distributed a cell phone or other wireless or cellular communications device. Adding a minimum \$5,000 fine could increase the revenue that would be deposited in the Common School Fund. The added revenue increase is not known.

LSA requested the staff at the Supreme Court’s Judicial Technology and Automation Project to examine the number of cases filed for inmate trafficking. The staff indicated that there were no reported cases in the 144 courts in 44 counties that were part of the Odyssey Case Management System in 2011.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:**

**Information Sources:** Department of Correction.

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